IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6732 OF 2005

Vijay Namdeo Jahav ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri P.M. Chakurkar for the Applicant.
Shri K.V. Saste, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 17, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The offence is under sections 364, 302, 201 and 34 of the Indian Penal Code. The Applicant is the husband of the deceased.

2. The learned Advocate appearing for the Applicant submitted that the extra judicial confessions on which the prosecution is relying upon are doubtful. He submitted that at one stage, the case of prosecution was that from 21st October, 2001 the deceased was missing. However, there are statements of the prosecution witnesses which disclose that the deceased was available on 22nd October, 2001. He submitted that there is some dispute regarding identification of the dead body as there is no proper identification of the dead body. The learned A.P.P.

had relied upon the material produced alongwith the chargesheet.

3. Though the learned Judge has not relied upon the confessional statement of the Applicant recorded by the Advocate Shri. Bhagat, the learned Judge has relied upon statement of the cousin of the Applicant who stated that in his presence the Applicant admitted to have committed murder of his wife. In view of this position, the learned Sessions Judge was justified in rejecting the Application for bail. The case is already committed to the Sessions Court. Considering the facts and circumstances of the case, the case will have to be tried expeditiously.

4. Application is rejected. The learned Judge will conclude the trial as High Court expediated case.

JUDGE